

REMARKS

Amendments to claims 94, 95, 105, and 106 are to rewrite these claims in independent form. Amendment to claim 75 is for the purpose of clarifying what Applicant regards as the claimed invention. No new matter has been added.

I. Allowable claims.

Applicant wishes to thank the Examiner for indicating that claims 94-97 and 105-108 are allowable if written in independent form. Claims 94, 95, 105, and 106 have been rewritten in independent form. Thus, these claims and their respective dependent claims should be allowable.

II. Election Requirement.

According to the Office Action, the claims 1-29, 50-52, and 83-91 in Group I remain restricted out. Applicant respectfully submits that these claims should be examined, as discussed in the previous response.

According to the Office Action, claims 75 and 109 remain restricted out. Applicant respectfully submits that these claims and their dependent claims should be examined, as discussed in the previous response. Also, Applicant herein provides the following table to illustrate how claim 75 (and similarly, claim 109) is similar, and corresponds with, claim 93 in Group III, and therefore, should be examined with the claims in the elected Group III.

Claim 93 in Group III (together with its base claim 56)	Claim 75 in Group IV (and similarly, claim 109)
A method for processing image data,	A method for processing image data,

comprising:	comprising:
acquiring image data of at least a part of an object;	acquiring image data of at least a part of an object over a time interval;
<i>assigning the image phase value for the image data using a processor to thereby bin the image data (the image phase value is calculated using the phase value of the breathing cycle)</i>	<i>sorting the image data using a processor based on a portion of a cycle of a breathing motion of the object at which the image data are acquired; and</i>
Storing the binned image data	storing the sorted image data.

With respect to the highlighted limitations above, Applicant notes that binning image data using a phase value of a breathing cycle (as described in claim 93) is one way of sorting the image data based on a portion of a cycle of a breathing motion (as described in claim 75). Thus, claims 93 and 75 actually correspond with each other.

Since claims 75 and 109 correspond with claim 93, and recite similar limitations as those in claim 93 in the elected Group III, claims 75 and 109 and their dependent claims should be examined with the claims in Group III.

II. Claim rejections under 35 U.S.C. § 102.

Claims 56, 61-63, 66-67, 81, 93, and 103-104 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,006,862 (Kaufman). Applicant respectfully

notes that in order to sustain a claim rejection under § 102, each of the claim elements must be found, either expressly or inherently, in the cited reference.

Claims 56 and 103

Claim 56 recites calculating an image phase value, and assigning the image phase value for the image data using a processor to thereby bin the image data. Claim 103 recites similar limitations. Kaufman does not disclose or suggest these limitations. Rather, Kaufman discloses providing ECG signal for allowing a user to use to select different image slices (columns 12-13). Kaufman does not disclose or suggest any “image phase value” that is calculated for assigning to an image data, nor does it disclose or suggest any image phase value that *a processor* assigns for image data to *bin* the image data.

Notably, Kaufman discloses calculating a percentage of a cycle that corresponds to a time entered by a user (column 13, lines 3-6). Such calculated percentage is for a user’s reference so that the user can select the image slices of interest. Thus, the calculated percentage in Kaufman is not for a processor to assign to an image data for binning the image data, as described in the claims.

For at least the foregoing reasons, claims 56 and 103, and their respective dependent claims, should be allowable over Kaufman.

Claims 93 and 104

Claim 93 recites that the image data corresponds with a phase value of a breathing cycle, and the image phase value is calculated using the phase value of the breathing cycle. Claim 104 recites similar limitations. Kaufman also does not disclose or suggest the above limitations. In particular, the system of Kaufman is specifically designed to deal with heart motion, not

breathing motion. Thus, there is nothing in Kaufman that discloses or suggests any breathing cycle.

Also, Kaufman does not disclose or suggest both a phase value and an image phase value in the manner described in the claims. That is, there is nothing in Kaufman that discloses or suggests that an image phase value is calculated using a phase value of a breathing cycle.

For these additional reasons, claims 93 and 104 should be allowable over Kaufman.

CONCLUSION

If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

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Respectfully submitted,

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